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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,964	06/28/2005	Antonio Romanelli	71860	6055

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MCGLEW & TUTTLE, PC  
P.O. BOX 9227  
SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-9227

EXAMINER
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BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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08/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/540,964

**Applicant(s)**

ROMANELLI ET AL.

**Examiner**

David E. Bochna

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Szegda '106.

In regard to claims 1, Szegda discloses a compression fitting comprising:

An internal element 30 onto which a pipe having a pipe wall is fitted the internal element having a plurality of axially spaced circumferential grooves (spaces between peaks 32), the internal element having an external surface;

an external sleeve 44 having a substantially cylindrical shape with a cylindrical inner surface 50 and an external surface for positioning around a portion of pipe fitted on the internal element and for radial compression such that the external sleeve deforms the pipe, whereby the pipe wall adheres to the bottom of the groove, wherein the width of each of the grooves (spaces between protrusions 32) is greater than the thickness of the pipes wall and maximum depth of each of the grooves is equal to at least a quarter of the thickness of the pipe wall, the external surface of the external sleeve comprising circumferential protruding beads 62, each of the beads being aligned with each grooves of the internal element with the pipe wall located between the internal element and the external sleeve, the width of each of the beads 62 being less than the width of each of the grooves of the internal element and the height of the bead 62 being at least

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equal to the depth of the groove, the bead receiving radial compression via a cylindrical wall such that the bead deforms the external sleeve with respect to its cylindrical shape, whereby portions of the cylindrical inner surface 50 of the internal element has a reduced internal diameter, the cylindrical inner surface of the external sleeve and the external surface of the internal element being in contact with the pipe, the external sleeve radially deforming the pipe wall to penetrate the grooves such that thickness of the pipe wall is not substantially reduced.

In regard to claim 2, the height of the bead 62 is between 1 and 1.5 times the depth of the groove.

In regard to claim 3, the width of the groove (spaces between protrusions 32) is about 1.5 times the thickness of the pipe 24.

In regard to claim 4, a plurality of grooves are axially spaced along the internal element 30.

In regard to claim 6, axial holding means 42, 38, 28 of the extremity of the sleeve with the internal element are provided to identify their mutual positioning.

In regard to claim 7, the height of the bead 62 is at least 1.3 times the depth of the groove.

3. Claims 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by DE10137078.

In regard to claim 8, DE10137078 discloses a compression fitting for pipes, the compression fitting comprising:

a pipe having a defined pipe wall;

an internal element 14 having an external surface, said external surface defining at least one circumferential groove 24, said at least one circumferential groove having a defined center point;

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an external sleeve 38 having a substantially cylindrical shape with a defined cylindrical internal surface and a defined cylindrical external surface, said external sleeve being arranged around a portion of said pipe such that said pipe is located between said external sleeve and said internal element, said pipe being in contact with said external surface of said internal element and said cylindrical internal surface of said external sleeve, width of said groove being greater than thickness of said pipe wall, said groove having a maximum depth at least equal to a quarter of the thickness of said pipe wall, said cylindrical external surface of said external sleeve defining at least one circumferential protruding bead 40, said bead being aligned with said center point of said groove 24 in an height of said bead being at least equal to the depth of said groove, said bead being radially compressed such that said external sleeve are deformed, whereby a portion of said external sleeve deforms said pipe wall, said pipe wall engaging said groove to connect said pipe to said internal element.

In regard to claim 9, a portion 34 of the external sleeve engages the internal element 10.

In regard to claim 10, the height of the bead 40 is between 1 and 1.5 times the depth of the groove 24.

In regard to claim 11, the width of the groove 24 is about 1.5 times the thickness of the pipe.

In regard to claim 12, a plurality of grooves 24 are axially spaced along the internal element.

In regard to claim 13, a seat is made at the bottom of the groove, in which an elastic seal ring gasket 26 is positioned.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE10137078.

SDE10137078 discloses a fitting as described above where the height of the bead is greater than the depth of the groove, but does not disclose the exact height of the bead in relation to the groove. The height of bead 40 may be 1.3 times higher than the groove, but even if it is not it would have been obvious to one of ordinary skill in the art to make the bead be 1.3 times as high as the groove because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) and the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

***Allowable Subject Matter***

6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 15-20 are allowed.

***Response to Arguments***

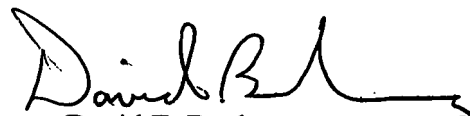
8. Applicant's arguments with respect to claims 1-4 and 6-14 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'David E. Bochna', with a stylized flourish at the end.

David E. Bochna  
Primary Examiner  
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